

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/IB2005/001030

International filing date (day/month/year)
23.03.2005

Priority date (day/month/year)
24.03.2004

International Patent Classification (IPC) or both national classification and IPC
C12Q1/68, C07K14/575, A61P3/04, A61P3/10

Applicant
INTEGRAGEN

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☒ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2005/001030

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☒ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☒ in written format
 - ☒ in computer readable form
 - c. time of filing/furnishing:
 - ☒ contained in the international application as filed.
 - ☒ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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**WRITTEN OPINION OF THE
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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-19
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-19
Industrial applicability (IA)	Yes: Claims	2-19 cf. item V3 on sepsheet
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VI Certain documents cited

1. Certain published documents (Rules 43bis.1 and 70.10)

and / or

2. Non-written disclosures (Rules 43bis.1 and 70.9)

see form 210

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**WRITTEN OPINION OF THE
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AUTHORITY (SEPARATE SHEET)**

International application No.

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SECTION V**1. Subject matter**

The claims relate to methods of detecting alterations in the PPY, PYY and/or GIP gene locus to detect a predisposition for/ to assess the response to a treatment for/ to prevent/ or to treat obesity and associated metabolic disorders.

2. Article 33(3) EPC - Inventive step

PPY, PYY and GIP are well known in the prior art as anti-obesity peptide hormones (cf. D2-D6; for details cf. to the International Search Report)). Further, the search for SNPs as well as their correlation to complex diseases such as obesity and obesity-related metabolic disorders appears to be well known in the prior art (cf. D7-D10). Therefore, the detection of the SNPs claimed in claims 1-19 does not involve an inventive step.

3. Industrial applicability

Claims 2-19 relate to subject-matter considered by this Authority to be covered by the provisions of Rule 67.1(iv) PCT. For the assessment on the question whether they are industrially applicable, no unified criteria exist in the PCT. The patentability can also be dependent upon the formulation of the claims.

The EPO does not, for example, recognize as industrially applicable the subject-matter of claims to the use of a compound in medical treatment or diagnosis, but may allow claims to a known compound for first use in medical treatment and the use of such a compound for the manufacture of a medicament for a new medical treatment.

SECTION VI**Priority**

The present assessment of novelty and inventive step has been made on the assumption that the claims are entitled to their earliest declared priority date.

Some of the cited P-documents disclose the claimed subject-matter and might, therefore, be considered for the question of novelty and/or become state of the art in case of an invalid priority.

In case the applicant wishes to submit an amended set of claims, he is asked in order to facilitate the examination of the conformity of the amended application with the

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requirements of Article 19(2) and 34(2)b PCT, to clearly identify the amendments carried out in the newly submitted claims, irrespective of whether they concern amendments by addition, replacement or deletion, and to indicate the passages of the application as filed on which these amendments are based.

If the applicant regards it as appropriate these indications could be submitted in handwritten form on a copy of the relevant parts of the application as filed.

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